

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BUILDING CODE APPEALS BOARD
DOCKET NO. 11-1048

Michael J. Aziz,
Appellant

v.

Town of Concord,
Appellee

BOARD'S DECISION ON APPEAL

Introduction

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal application filed pursuant to G.L. c.143, §100 and 780 CMR 122.1 ("Application"). Appellant sought a variance from 780 CMR 5310 (7th Edition) with respect to a window installation in a bedroom at Appellant's home, located at 53 Silver Hill Road, Concord, MA.

Procedural History

On or about July 29, 2011, a Building Inspector for the Town of Concord issued a letter to Appellant and Appellant's contractor which stated that the emergency egress window located in a bedroom at 53 Silver Hill Road, Concord, MA did not meet the minimum width requirement under the State Building Code.

The Board convened a public hearing on October 6, 2011, in accordance with G.L.c. 30A, §§10 & 11; G.L.c. 143, §100; 801 CMR 1.02; and 780 CMR 122.3. All interested parties were provided an opportunity to testify and present evidence to the Board.

Discussion

As part of home renovations, a fixed window, with two casement windows on either side of the fixed window, were installed in a bedroom in Appellant's home. The casement windows each had openings approximately 16" wide and 54" high. The style and configuration of this window installation reflected those existing elsewhere on the house, which was constructed in the 1970's. A floor plan (included with the Application) showed other means to exit the bedroom. The building official was not opposed to allowing a variance from minimum width requirement under 780 CMR 5310.1.3.

Conclusion

The Board considered a motion to allow a variance from 780 CMR 5310.1.3 (7th Edition) ("Motion"). The Motion was **approved** by unanimous vote.



H. Jacob Nunnemacher

Douglas Semple, Chair

Alexander MacLeod

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to Superior Court in accordance with G.L. c.30A, §14 within 30 days of receipt of this decision.

DATED: December 13, 2011